

Policies and Procedures – Wood County Drug Court

Intent of Policies and Procedures

The intent of the following policies and procedures is to provide guidance to the Drug Court team as they strive to make decisions determined by evidence based principles. Policies and procedures will be reviewed on a regular basis and revised as needed. Policies and procedures will be posted on the Court's website.

Mission Statement

Wood County Adult Drug Treatment Court is a cost-effective and efficient non-traditional judicial model, which is designed to assist drug addicted criminal offenders in breaking the cycle of drug use, through routine judicial appearances, intensive supervision, and team decision making, relying on evidence based principles in an effort to promote community safety.

DRUG COURT MODEL:

The Drug Court is a post-plea diversion model. Entry can also occur via an alternative to revocation. Generally participants will come into court on probation, often on a misdemeanor charge with a felony case being deferred.

The Drug Court Team

The Drug Court utilizes a team approach. The team is made up of a group of dedicated professionals who will oversee the operational needs of the court. Every week there is a confidential team staffing. The purpose of the team staffing is to present a coordinated and targeted evidence based response when participants are having issues, as well as to respond to good behavior. Information will be provided on participants so that team members can keep informed about their status. Such information may include progress on educational goals, employment, relationships, residence stability, counseling progress, UA results, and other life issues. Sanctions and rewards will be addressed. Decisions on phase movement, graduation sanctions, rewards will be analyzed on evidence based methodology using this information and other information garnered from the team.

Each team member brings to the discussion a unique perspective from their own discipline, and several members will be able to speak on a participant's status in various areas. The goal in team staffing is to respond to each participant's situation in a manner based on empirical research, and trying to employ positive reinforcement versus sanctions in a 4 to 1 ratio. The team will operate in a non-adversarial manner. The Judge is the leader of the team.

All team members will acknowledge and respect the various responsibilities and knowledge that each team member brings to the team.

THE DRUG COURT JUDGE:

One of the most important components if not the key component, is the drug court judge. Whenever possible the judge will have a long tenure with the court. The judge is the leader of the team, although the judge will seriously consider the input of each and every team member when making a decision. The judge will promote a non-adversarial environment in team meetings.

In court the judge will engage in conversations with each participant, questioning each person in a manner to maximize participant verbalization. Even when a participant has not done well, the judge will not belittle or treat a participant in a negative manner. The judge will also avoid confrontation with the participant.

The judge will be a liaison with the community, striving to build support for the court. Community leadership for the program is necessary. The judge will take the lead in several areas such as education, team building, and collaboration. As the leader of the drug court team the judge during staffing, will strive for the effective and evidence based practice of applying rewards and sanctions. The judge will be educated in the areas of drug addiction, alcoholism, co-occurring disorders, and other areas necessary to provide effective responses. The judge will also work to assure each team member is appropriately trained.

The judge recognizes the importance of judicial interaction with the participants and will endeavor to spend at least three minutes with each participant during every court session.

Intake and Referral to Drug Court

Referrals to Drug Court should take place as soon as possible after a charge has been filed. The premise for a timely referral is that the applicant may be more amenable to treatment shortly after arrest or early in the case. While timely referrals are a priority, there is also recognition that it takes time for an applicant's attorney to investigate the case, determine suitability of the client for drug court, explore potential motions and defenses, obtain discovery, and assure that the attorney is fulfilling their ethical obligations. In recognition of the importance of an early referral, the District Attorney's Office, whenever possible, will provide early discovery to defense counsel when Drug Court is being considered as an option.

Referrals can come from several sources including:

- a. Law enforcement
- b. The District Attorney's Office
- c. The defense attorney
- d. A Family member or Defendant – for pro se defendants
- e. A current treatment provider
- f. Department of Corrections – for alternative to revocation cases
- g. Human Services

While referrals can come to the team from a variety of sources, the application to Drug Court must involve the applicant and their attorney if they have one. A formal application will be made in writing to the case manager. Once received, a presentation to the Drug Court team will be scheduled. Typically the defense attorney will appear at a team meeting, summarize the application, and answer questions. This process should not take more than 5 minutes. Some key information to present would be the following:

- What charges are pending?
- Does the candidate have any criminal record and if so what
- Have there been previous drug and alcohol assessments and if so where and what was the diagnosis.
- What is the treatment history, if any? Copies of prior assessment may prove helpful.
- What is the candidate's life situation: Married? Children? Involvement with Human Services? Current living situation? Employed?
- Is there a reliable means of transportation to get to Drug Court?
- What is the candidate's history of substance abuse?
- If the current offense is possession with intent to deliver or delivery of a controlled substance, what information is available to demonstrate the candidate is not a high-level drug profiteer?
- Are there mental health issues?

Defense attorneys are encouraged to discuss the application to Drug Court with the prosecutor assigned the case prior to the actual presentation. The parties are also encouraged to arrive at a tentative plea agreement should the applicant be accepted. Agreement by the prosecutor prior to the presentation is not required; however, prior discussion will make the referral process more efficient.

Acceptance into the program is by majority vote with the D.A. maintaining an absolute veto. The Judge does not vote on admission. Immediately following the presentation, the Drug Court Team will discuss the applicant and determine the following: (1) Does the applicant's charge meet eligibility requirements; (2) Does the applicant meet the eligibility requirements; (3) Is the applicant a high-risk, high-need offender, which is the target population.

The Team should decide quickly on whether to approve an assessment, which is the first step to admittance. An assessment will not be done for an applicant who does not meet the criteria for entry into Drug Court. If the applicant meets the criteria, if the District Attorney has not invoked a veto, and if the team decides the applicant is appropriate for the program, the applicant should be tentatively accepted pending the assessment. Final admittance is contingent on the appropriate diagnosis on the drug and alcohol assessment and an appropriate finding on a validated risk assessment tool.

If the applicant is tentatively accepted, the attorney will be contacted by the Drug Court Case manager to arrange the assessments. If the assessment comes back with the appropriate diagnosis the applicant will then be accepted into the program, in the absence of additional information making the applicant ineligible.

If the applicant is accepted into Drug Court the case manager will advise the attorney of the acceptance. If the applicant is not accepted, the attorney will receive a form letter within a few days of the decision. Team members will consider the presentation and the subsequent discussion confidential and thus there will not be any elaboration on the basis for not accepting the candidate.

There is no appeal process from a decision that denies an applicant entry to Drug Court. A candidate can only be presented again if new relevant information is available. If that circumstance exists, a letter clearly stating the new relevant information must be sent to the case manager and the team will decide if there will be a second presentation.

APPLICATION PROCESS - CONFIDENTIALITY

When a person applies for Drug Court, information will come to the team from several sources about that person. Sources of information might include the applicant, the applicant's attorney, and various members of the team that may have some information about the applicant. Much of the information we receive during this process is protected by law. Regardless of the legal protection, whatever information is disclosed during the presentation of an applicant, and any subsequent team discussion, the information will be considered confidential. The referral and the fact that a person was referred will be considered confidential.

APPLICATION PROCESS – VERIFICATION OF INFORMATION

The Drug Court Team, without input from the Judge, will make a decision as to whether a candidate will be accepted into the court program. Because the consequences of rejecting a person are of substantial importance to the candidate applying, it is the responsibility of all team members to fairly scrutinize information that is brought forward that might reflect on a candidate. Information that carries with it a lack of credibility, should not be used as part of the reasoning process as to acceptance or rejection. Verification should be sought as to information that standing alone would disqualify a person from acceptance. Should there be a combination of verifiable and credible disqualifying information, and information that has not been verified, a participant can be disqualified based on the credible negative information. When the only negative information lacks verification, or is suspect as to credibility, further clarification is necessary before a person is disqualified solely on that information.

The reasoning for accuracy of information is that the team wants to be fair. The process of acceptance by its nature is subjective, but when we decide on a candidate, we should not disqualify a person based on information that is not credible, second or third hand, or impossible to verify. Meeting a certain standard of proof is of course not necessary, but fairness and accuracy is.

RE-APPLICATION POLICY

It is the intent of the Drug Court that denial of admission is final. However, under some limited circumstances an applicant may reapply and request to be presented for a

second time. If an applicant believes that there is additional information that is relevant to eligibility requirements or other pertinent admission criteria that were not initially presented to the Team, the applicant may send a letter to the Drug Court Case Manager requesting to present their case for a second time. The letter must state what new information will be provided that was not originally given to the Team. If the team determines that the new information is relevant to the decision making process as to admission, a new presentation will be scheduled.

The re-application criteria lapses after two years. Thus a candidate that presented and was denied entry can present again after two years has elapsed with a new charge or an ATR situation.

ELIGIBILITY

The Wood County Drug Court in setting eligibility criteria, however, acknowledges that grants are a potential source of funding and that they require certain restrictions. The following policy takes into consideration the most common restrictions.

Case that is being referred for Drug Court Consideration:

The charge or conviction cannot involve the offender doing any of the following: (1) Carrying, possessing or using a dangerous weapon; (2) Using force against another; (3) Causing death or seriously bodily harm of another; (4) Operating while intoxicated.

The applicant to Drug Court has to meet the following criteria in order to be considered for admittance:

1. May not have a felony conviction involving the use of force or attempted use of force against another with the intent to cause death or seriously bodily harm.
2. Must be a resident of Wood County for the last 6 months. The 6 month time period may be waived if the applicant has in the past lived in Wood County for significant periods of time and is committed to residing in Wood County, at least during the Drug Court program. Some criteria for the team to consider in order to determine residency is employment, local address, billing information, and legal documents.
3. Voluntarily agrees to all the rules and obligations of Drug Court.
4. Must be diagnosed with substance abuse or dependence and show a willingness to participate in the program.
5. Must be an adult; at least 18 years of age.
6. Must demonstrate access to transportation.
7. Must sign necessary contracts and releases.

8. Must have sufficient mental stability in order to allow them to work and succeed in the program. A co-occurring disorder by itself will not exclude an applicant. A participant also must not be a danger to themselves or others.
9. Must meet the legal definition of competency (sec. 971.13)
10. Must not be involved in a high level of drug trafficking.

NOTE: The above language is consistent with the requirements of the TAD Grant, such requirement being:

(12) (a) In this subsection, "violent offender" means a person to whom one of the following applies:

1. The person has been charged with or convicted of an offense in a pending case and, during the course of the offense, the person carried, possessed, or used a dangerous weapon, the person used force against another person, or a person died or suffered serious bodily harm.
2. The person has one or more prior convictions for a felony involving the use or attempted use of force against another person with the intent to cause death or serious bodily harm.

Phases of the Program:

Phase I – The following are that need to be accomplished prior to advancement to Phase II.

- Attend weekly appearances in Drug Court
- Minimum of 60 days in phase I
- Attending all treatment requirements and making progress in treatment
- Call in for random UA reporting daily
- Attendance and production for random and non-random drug testing
- Attend all case management appointments
- Develop a case plan with case manager
- Attend all appointments with PO, office and home
- Be available for home visits
- Stop social contact with using, risky, criminal people
- Demonstrates a pattern of abstinence or decreasing positive urines
- If able, demonstrates increasing personal responsibility by establishing payment plan for fines, fees and restitution
- Completion of other conditions as determined by the Drug Court.
- Submits letter requesting advancement to phase II and letter shows some understanding as it relates to the Drug Court program
- Have safe, sober residence that supports my recovery
- Curfew of 9pm

Phase I - Medication Assisted (opiates only) - The following are benchmarks that need to be accomplished prior to advancement to Phase II.

- Bi-weekly appearances in Drug Court
- Minimum of 60 days in phase I
- Attend all treatment requirements and making progress in treatment
- Attendance and production for random and non-random drug testing
- Attend all case management appointments
- Develop a case plan with case manager
- Attend all appointments with PO, home and office
- Be available for home visits
- Stop social contact with using, risky, criminal people
- Demonstrates a pattern of abstinence or decreasing positive urines
- If able, demonstrates increasing personal responsibility by establishing payment plan for fines, fees and restitution
- Completion of other conditions as determined by the Drug Court.
- Produce medical records demonstrating compliance with medication.
- Have safe/ sober residence that supports my recovery
- Submits letter requesting advancement to Phase II and letter shows some understanding as it relates to the Drug Court program
- Curfew of 9pm

Phase II- The following are benchmarks that need to be accomplished prior to advancement to Phase III

- Minimum of 90 days in phase
- Weekly appearances in Drug Court. At the start of this phase weekly appearance would be the norm with a reduction in appearances as progress is achieved. With compliance in the medication assisted treatment the participant will remain at bi-weekly court appearances.
- Submits a minimum of two random UA samples per week for drug testing
- Attendance at outside support group meetings three a week minimum, have a sponsor
- Has made good progress in treatment and attended all treatment and know my treatment plan
- Is working on life skills if needed, attend cognitive behavioral group if needed
- Review case plan with case manager
- Attend all case management
- Attend all visits with PO
- Be available for home visits
- Letter for phase advancement to Phase III and possible round table with drug court team
- Continues to demonstrate a pattern of assuming responsibility by communicating problems/issues ahead of time, participants must show honesty
- Address all medical/ dental needs
- Completion of other conditions, as determined by the Drug Court
- On schedule with Drug Court fee payments

- Curfew of 10pm

PHASE III—The following are benchmarks that need to be accomplished prior to advancement to Phase IV.

- Participant is making court appearances as required. In this phase bi- weekly or monthly appearances would be the norm.
- Personally calling in daily for random UAs
- Appearing to provide drug samples when required, minimum of 2 a week
- A minimum of 90 days in phase
- Participation in support groups as required with verification, 3 contacts a week with sponsor
- Has made significant progress in treatment, possible attend cognitive behavioral group
- Is consistently honest, communicate with case manager and PO
- Is employed, school or community service a minimum of 20 hours a week, or is actively pursuing an education or technical training. If a participant is not able to be employed unless determined disabled by SSA or an employer based disability plan, the Court may assign other projects such as community service, to keep the participant engaged in healthy and worthwhile pursuits.
- Submit letter to advance to Phase IV
- Establish a budget/ financial plan
- Paying on Drug court fees
- Completion of other conditions, as determined by the Drug Court.
- Have established a stable living environment
- Has dealt with life issues in positive and significant manner
- Comply with social services/ CHIPs order if applicable
- Engage in pro-social community activity
- Curfew is 11pm

PHASE IV – The following are benchmarks that need to be accomplished prior to advancement to phase V.

- Complete abstinence.
- Employed if able and if not has been devoting time and energy to other causes (community service, education) in order to remain busy and occupied
- Court Monthly
- Minimum of 90 days in Phase IV
- Attendance of treatment and support meeting with verification, 3 contacts with sponsor a week
- To the extent possible has established a stable living environment
- Personally calling in for random UAs, reporting for random UAs, minimum of 2 a week

- Is employed a minimum of 20 hours a week, or is actively pursuing an education or technical training. If a participant is not able to be employed unless determined disabled by SSA or an employer based disability plan, the Court may assign other projects such as community service, to keep the participant engaged in healthy and worthwhile pursuits.
- Comply with social service/ CHIPS order if applicable
- Paying on Drug Court fees
- Maintain engagement in pro-social activities in the community
- Write letter for advancement to Phase V
- Curfew of 12am

Phase V- The following are benchmarks that need to be accomplished prior to advancement to graduation

- Minimum of 90 days in Phase V
- Court Monthly
- Comply with treatment and supervision (home visits, case management)
- Complete abstinence in Phase V
- Is employed a minimum of 20 hours a week, or is actively pursuing an education or technical training. If a participant is not able to be employed unless determined disabled by SSA or an employer based disability plan, the Court may assign other projects such as community service, to keep the participant engaged in healthy and worthwhile pursuits.
- No curfew
- Drug Court fees are paid in full
- Have safe, pro-social, supportive, social network of people
- Review case plan with case manger
- Maintain pro-social activities
- Maintain safe stable housing
- Have continuing care plan with counselor
- Interview with Drug Court Team 30 days prior to graduation at a Drug Court team staffing, complete graduation packet prior to graduation.

Phase Advancement

Participants should progress through the various phases until they reach graduation. Advancing through the phases is based on criteria that are well defined and achievable for the participant. If a participant is placed back in a prior phase, the participant's treatment plan should be reviewed by the treatment provider to determine what aspects of treatment and phase movement is necessary to advance to the next phase.

Rules of Drug Court

The following are the rules of Drug Court. The list is not necessarily inclusive. The Judge can always order additional rules for an individual participant, depending on the circumstances. The Drug Court Handbook is discontinued.

1. Participants are required to attend court, treatment counseling, support meetings and appear for random drug testing. Participants may be required to attend various treatment programs including in-patient. Some programs may be outside the geographic area.

_____ Participant initials

2. By virtue of the execution of the Drug Court contract, each participant acknowledges that drug testing is a major part of the program. Participants agree to comply with each component of the testing requirements. These requirements include submission of urine samples or other methods of testing, compliance with testing protocols, and the waiver of all confidentiality as to the results of the test, any re-testing or supplemental testing and release of test results to Drug Court team members. Collection can include breath, blood, urine, saliva, hair, or other forms of collection. Participants must cooperate fully with providing samples for drug testing. Testing will be done on a random and selective basis and each participant is required to comply.

_____ Participant initials

3. The results of the test will be used to determine the participant's compliance with the rules relating to abstinence and truthfulness. The results of the tests can and will be used to sanction the participant or be considered the basis for discharge from Drug Court. The Drug Court will presume that drug test results or lab results are accurate.

_____ Participant initials

4. When responding for a drug test participants must arrive between the required hours. Failure to arrive between the required hours will be deemed a positive test and will be considered non-compliance with the rules of the program and subject to sanction.

_____ Participant initials

5. Participants must personally call in for their random UAs on a daily basis. Participants must assume the personal responsibility for this task.

_____ Participant initials

6. When responding for a drug test participants must be prepared and be able to produce a sample during the prescribed time period. That time period is 15 minutes. Failure to produce a sample will be considered a positive test result at the discretion of drug court assigned individual collecting the sample.

_____ Participant initials

7. When responding for a drug test participants must follow the directions of the Drug Court case manager as to how to collect and submit a sample. But may be modified by the drug court individual assigned to collect the sample.

_____ Participant initials

8. Participants must produce a sample that is undiluted and registers an appropriate temperature. Diluted and/or hot or cold samples will be considered positive and under most circumstances sanctioned.

_____ Participant initials

9. Collection of samples will usually be observed. This could include: (1) partial disrobing at the time of providing a sample; (2) direct observation of the flow of urine from the body; (3) a pat down of the body prior to submitting a sample; and (4) other methods of collection that assure the integrity of the process.

_____ Participant initials

10. Participants agree that they will not be in an environment where drugs or alcohol are used. Claiming that a positive test result occurred from being in a drug using environment but that personal use did not occur is not a valid explanation for a positive result. A claim of passive smoke inhalation will be met with skepticism and will be sanctioned as if there was intentional drug use.

_____ Participant initials

11. Participants agree not to use products that could cause a positive test results such as but not limited to eating foods with poppy seeds, using over the counter products that contain alcohol, or be engaged in activities that may result in a positive test. Participants are responsible for the intake of any and all items that might yield a positive drug test.

_____ Participant initials

12. Participants need to be aware that the Drug Court Team recognizes that use of alcohol by participants is problematic. If undetected, use will impede the participant's progress in the program and alcohol has a narrow window of retention which makes it subject to abuse by participants. Therefore, ethyl glucuronide (EtG) testing will be done as needed and will be done on a selective basis. This form of testing is very sensitive and participants agree to abide by the following guidelines recognizing that positive tests will be considered proof of alcohol consumption: Participants must: (1) fast (except for water) and/or to be very careful to avoid any exposure to alcohol for as long as possible, at least 4-6 hours, prior to submitting a sample; (2) Abstain from the use of any mouthwashes (i.e. Listerine, Cepacol, etc.) that contain ethyl alcohol. Participants are required to read product labels and avoid mouthwash or anything else containing

ethyl alcohol. Non-alcohol mouthwashes are readily available and are an acceptable alternative.; (3) Abstain from certain foods and other products such as vanilla extract or almond extract (often used to flavor coffee), food cooked with wine or other alcoholic beverages, desserts, especially flamed desserts, which are prepared with large amounts of alcohol, chocolates containing liquid filling can contain alcohol; Avoid breathing alcohol vapor of products containing alcohol, such as alcohol based hand sanitizing gels (e.g. Purell), perfumes or colognes, bug sprays, or other chemicals (lacquers, solvents, or gasohol). If you must use these products take precautions, use them sparingly and avoid breathing the fumes; (4) abstain from the use of rubbing alcohol or alcohol swabs.

_____ Participant initials

13. Participants must remain clean and sober. Participants must be drug and alcohol free at all times.

_____ Participant initials

14. Possession or consumption of intoxicants is prohibited.

_____ Participant initials

15. Participants may not consume or possess “designer drugs” or other substances which produce a drug like effect. Designer drugs are drugs and compounds that have been: (1) altered or modified so that they do not fit within chemical definitions that would otherwise make them illegal and; (2) altered or modified in order to circumvent drug monitoring. Examples are but not limited to “spice”, “K2”, and other synthetic cannabinoids. An example of “other substances” is synthetic cathinone, commonly referred to as bath salts. Use of such substances is a drug court rule violation. The drug court will decide if a substance is a “designer drug” or “other substance” used for the purpose of obtaining a drug like effect.

_____ Participant initials

16. Participants may not associate with persons that use or possess drugs. Association includes but is not limited to face to face meetings, phone calls, texting, letters, social media, or other forms of electronic communication, and third party contact unless it is through treatment staff or an attorney. Association includes rides to treatment. Any deviation from this rule must be acknowledged in writing by a treatment staff member prior to the association occurring. All contacts that consist of association as defined must be reported 24 hours to drug treatment staff.

_____ Participant initials

17. Participants may not possess drug paraphernalia.

_____ Participant initials

18. Participants are responsible for items that are found in their car or home. Paraphernalia or drugs that are found in those locations will be attributed to the participant. Claims from a participant that contraband found are from past using days and long forgotten are likely to be treated with skepticism and treated as a violation.

_____ Participant initials

19. Participants must disclose any significant relationship that they are in when they enter the program. This is a continuing obligation. The Drug Court wants participants to be involved in healthy relationships. If the participant is involved with a person that is involved with drugs, alcohol, or unlawful behavior, the participant can expect that the relationship will likely need to end. If the Court believes that there is an unhealthy relationship in existence, the Court might impose some form of a restriction on that relationship. The Court could, if needed, order a termination on the relationship while the participant is in Drug Court. Significant relationship is defined as a relationship that is romantic, sexual, dating, cohabitation or spending time with someone that is more than a friend.

_____ Participant initials

20. Participants may not ingest drugs of any type unless it is a medication prescribed by a physician and only as prescribed and with the knowledge of the Drug Court. Participants shall provide a copy of the prescription upon request. Participants in a medical emergency should take the prescribed drug and then later notify the case manager of the medical situation.

_____ Participant initials

21. Prescription medication that is not used during the prescribed time period must be discarded in an approved manner. The participant must not be in possession of any "expired" medication.

_____ Participant initials

22. Participants must advise the case manager every time they visit a medical facility. Participants should seek medical attention for any health issue. They do not need permission from the case manager prior to scheduling a visit, but the case manager must be advised once the medical visit takes place. Such advisement should occur as soon as possible. Continuation of prescribed medication is subject to Drug Court approval and in consultation with the consulting physician to determine whether a prescription is addictive, intoxicating, is medically necessary, and if medically safe medications could be substituted as an alternative to addictive or intoxicating medication.

_____ Participant initials

23. Participants agree that they must advise medical personnel at each healthcare appointment that they are in Drug Court. They will inform all treating physicians that they are a recovering addict and under the rules of Drug Court may not take narcotic or addictive medication or drugs. If a treating physician wishes to treat a participant with narcotic or addictive medication, the participant must disclose this fact to the Drug Court case manager and sign the necessary releases for a line of communication to be established between the treating physician and the Court. Participants will notify the Drug Court case manager of any medication that is prescribed.

_____ Participant initials

24. Before taking medication of any kind on an outpatient basis, participants must check with the pharmacist to ensure that it is non-narcotic, non-addictive and contains no alcohol. The participant will pre-register any and all medications, prescribed or over-the-counter, with the Drug Court.

_____ Participant initials

25. Participants must not violate the law.

_____ Participant initials

26. Participants will be subjected to random home visits by law enforcement/ K-9 or probation agents. Participants waive their right to be free from search. Refusal to allow entry or failure to cooperate with home visits will be considered a violation. Cooperation with home visits is mandatory.

_____ Participant initials

27. Not answering the door or any applicable phone during an attempted "home visit" is a violation if it can be established that the participant was home. Home will be anyplace that the participant has notified Drug Court that this is a premise in which they reside.

_____ Participant initials

28. Not answering the phone or one's door during an attempted home visit is a violation if the participant is under an order of: (1) Home detention; (2) House arrest; or (3) Home curfew and the attempted visit occur during hours the participant is supposed to be at home.

_____ Participant initials

29. Participants may be required to be involved in any program or other activity that might reduce fees, costs or financial obligations incurred by the Court or any other entity associated with Drug Court.

_____ Participant initials

30. Participants shall inform any law enforcement officer who contacts them that they are in Drug Court. Upon said contact the participant must report the contact within 12 hours to the case manager.

_____ Participant initials

31. Participants may not act as a confidential drug informant with any law enforcement agency while in Drug Court.

_____ Participant initials

32. Participants must keep the Drug Court Team advised of their current address and phone number at all times and whenever changed. Any change must be reported within 24 hours.

_____ Participant initials

33. The place of residence for a participant is subject to Drug Court approval. To the extent possible, participants should live in a stable, positive environment.

34. The participant will not leave Wood County without prior approval from the Drug Court Team or case manager.

_____ Participant initials

35. Participants may not possess any firearms while in the Drug Court program without explicit permission of the Court. The participant will dispose of any and all firearms in their possession, and disclose the presence of any firearms possessed by anyone else in their household.

36. Participants during the early phases of treatment and recovery may be precluded from working or from gaining employment. Under some circumstances it may be necessary for the participant to focus fully on recovery and delay or put employment on hold.

_____ Participant initials

37. Participants at some point will be required to seek employment, job training and/or further education as approved by the Drug Court Team. For many participants

gaining employment will be part of the treatment plan and a requirement. If gaining employment is problematic, participants are likely to be required to do community service in lieu of employment. It will be at the discretion of the Court whether community service qualifies for meeting employment requirements and some factors the court may consider is the state of the economy and the level of employability of the participant.

_____ Participant initials

38. If a participant is found to be substituting, altering or trying in any way to change body fluids for the purpose of cheating on drug testing, such activities will be considered a serious violation and may be grounds for immediate termination from drug court.

_____ Participant initials

39. Any participant that enters into the program agrees to be drug/alcohol tested at any time by a police officer, probation officer, treatment provider, case manager or at the request of the court of any agency designated by the court. This includes during home visits.

_____ Participant initials

40. Participants are responsible for what goes into their body that may affect drug test results. This includes fluids that are consumed in a quantity that results in a diluted drug test. Diluted results will be considered positive for drugs.

_____ Participant initials

41. Participants must be honest. Honesty is an essential element and foundation of the program. Participants must be honest when questioned by the case manager, the Judge, or any Drug Court team member. If a relapse or a violation of a rule occurs, the participant must self-report to the case manager at the earliest opportunity. Dishonesty is a rule violation.

_____ Participant initials

42. Participants may dispute a positive test result and ask for a re-test but any such additional analysis will be at the participant's expense. Participants may face more intense sanctions for a re-test that is still positive. The more intense sanction is not per se for the positive test, but rather due to dishonesty and manipulation.

_____ Participant initials

43. Participants must comply with all treatment recommendations.

_____ Participant initials

44. Participants must cooperate with their probation agent, treatment providers, and case manager.

_____ Participant initials

45. If a participant is placed into a community based residence, a treatment facility, or any other similar type of living situation, they must comply with all rules established there.

_____ Participant initials

46. Participants agree that they must comply with any special conditions ordered by the Court as part of their participation in Drug Court.

_____ Participant initials

47. Participants agree that law enforcement or a probation agent, acting on behalf of Drug Court, may search their person, residence, vehicle or personal property and further any denial would be considered a serious rule violation.

48. Tardiness at a counseling session or treatment is a violation.

_____ Participant initials

49. Failure to appear for a scheduled counseling session or treatment is a violation.

_____ Participant initials

50. Leaving a counseling session or treatment early is a violation except with the consent and approval of the counselor.

_____ Participant initials

51. If a participant arrives to provide a UA and leaves before providing a UA, this will be considered a positive UA.

_____ Participant initials

52. Participants must treat persons with respect. This specifically includes: (1) All Drug Court participants; (2) Anyone in group; (3) Counselors; (4) Drug Court case manager; (5) The Drug Court Judge and all court personnel; and (6) staff at any type of residential facility.

_____ Participant initials

53. Comments by Drug Court participants that refer inappropriately to race, color, creed, religion, sex, ethnicity, age, and sexual preference will not be tolerated. Profanity and vulgar language during counseling, in court, at a residential facility, or in any session or place associated with Drug Court is a violation and will not be tolerated.

_____ Participant initials

54. Participants, depending on what phase they are in, must attend a designated number of outside support meetings per week.

_____ Participant initials

55. Participants must call the UA number each and every day to determine if they must provide a sample. Participants may be required to call more than once a day and will receive directions from the case manager. Participants must make the call personally. If their number is called, they then must report for testing. Failure to call or to report for testing is a violation.

_____ Participant initials

56. Participants shall maintain health insurance coverage. Participants may be required to acquire, change or modify coverage to allow for treatment and continuity of treatment.

_____ Participant initials

Reporting Violations

A violation of a rule or a failure to follow program expectations will be reported to the Drug Court Team at the weekly staffing. If there is a significant violation that might require immediate response from the team, the team should receive notification by e-mail of the circumstances surrounding the violation. The team should provide input via the e-mail chain and then the Judge will appropriately instruct the case manager on how to proceed. Should the assigned Drug Court Judge be unavailable and a response is required, the case manager should contact the back-up Judge for instructions.

Sanctions and Rewards

The Drug Court will use sanctions and rewards to improve the functioning of participants and to reduce antisocial behavior. Sanctions and rewards are but one tool and won't be successful without significant monitoring of the applicant's conduct. It is the goal of the program to administer both sanctions and rewards in a certain and expected manner. There is recognition that evidence reveals that rewards can be very effective at low to moderate levels. On the other hand sanctions are not effective when too weak as they may cause habituation (participants get used to them) and at high levels sanctions may lead to a ceiling effect. The team will endeavor to use creative intermediate sanctions and rewards which can be decreased or increased in response to behavior. An example of intermediate sanctions would be writing assignments, fines,

community service, and a brief period of jail. Sanctions should be imposed on a graduated level. Sanctions will be applied fairly and to the extent possible, consequences will be equivalent to those received by others in similar circumstances.

As the Drug Court considers sanctions and rewards it will bear in mind that it is ingrained behavior that is being shaped. There is a distinction between proximal goals; behavior the participants can immediately engage in and which are necessary for long term change. An example is going to counseling, going to court, getting to the location on time to deliver a UA. Distal goals take time to accomplish such as abstinence. While a sanction should be imposed for every rule violation, the sanction for proximal behaviors should be more significant than for distal behaviors. If a participant receives low level sanctions for failing to fulfill easy proximal obligations, this will invariably lead to habituation. High magnitude sanctions for failing to meet difficult demands can lead to depression, hostility or a negative relationship with the court.

Increased treatment as a consequence of misconduct in the program will be avoided. Increased treatment should be considered when it is clinically indicated. That can only be determined by seeking advice from a treatment professional. It is only appropriate for a judge or criminal justice professional to order a change to the treatment plan or level of care in response to noncompliance when it is clinically indicated after reassessment by a treatment professional. If, however, a participant is being compliant in treatment, but is not getting better, then it is certainly appropriate for the court to order a clinical reevaluation of the case by treatment professionals and to solicit recommendations from the treatment professionals about the best course to pursue. Under such circumstances, the judge would be relying upon expert advice in ordering a change to treatment, rather than practicing a clinical specialty without a license, adequate training or expertise

It is recognized that timing is an important consideration as to effectiveness of the use of sanctions and rewards. The effectiveness of a response diminishes quickly over time. Therefore it is important that a participant be recognized for good behavior or sanctioned for bad behavior, as quickly after the event as possible.

The following is a list of some of the sanctions and rewards that may be applied. The list is not exhaustive.

Sanctions

Grade I (mild to moderate response)

1. Admonishment from judge
2. Penalty box (jury box)
3. Journaling – writing related to violation
4. Community Service
5. Workbook assignment or maintain a calendar

Grade II

1. Half day or full day in jury box during court sessions.
2. Short term jail sanction – 12 hours (report at 6 p.m. with release time of 6 a.m.)

3. Curfew
4. Limitation of privileges
5. Community Service
6. Written or verbal apology to court (avoid shaming)
7. Self-imposed sanction (asking the participant what the appropriate sanction might be)
8. Informal driver license suspension
9. In-home detention
10. Attendance at a graduation

Grade III

1. Observe other court proceedings
2. Increased attendance at court
3. Increased drug testing
4. Suspension of privileges
5. Community Service – 8 hours
6. Jail sanction up to 24 hours
7. Team round table (be involved in their staffing)
8. Geographical restrictions
9. Phase demotion
10. Increased court appearances
11. Informal driver license suspension
12. Day report to Case Manager(4-6 days)
13. Presentation in open court

Grade IV (significant response)

1. Up to two days in jail
2. Phase demotion
3. Day report to case manager (7 days)
4. Electronic monitor (at participants expense whenever possible)

Rewards

Grade I

1. Judicial Praise
2. Opportunity to draw a treat or ability to win a coupon or gift card
3. Slight reduction of community service when c/s is not imposed as a sanction but is a weekly responsibility
4. Allow to leave court after personal appearance
5. Reduction in court appearances

Grade II

1. Praise by Judge – acknowledgement to entire court as to achievement
2. Opportunity to draw a treat or ability to win a coupon or gift card
3. Reduction in court appearances
4. A moderate reduction of community service

5. Gift certificate

Grade III

1. Reduction in court appearances
2. Opportunity to draw a treat or ability to win a coupon or gift card
3. Significant reduction in community service hours (8 hours a week or more)
4. Lifting or making a later curfew
5. Reduction of travel restrictions

Grade IV

1. Significant recognition in Court by entire team
2. Opportunity for some form of public recognition with participants consent
3. Graduation
4. Tangible rewards
5. Phase advancement

*Other incentives or sanctions may be used by the court at the discretion of and limited only by the creativity of the team.

RECORD KEEPING

It is the intent of the drug court to utilize a dual record keeping system to assure that matters occurring in the courtroom are recorded, while team staffing and activities related to treatment are recorded but kept in a confidential manner consistent with the appropriate law. The clerk will record the following activities: court orders, sanctions imposed, termination proceedings, graduation and completion of the program.

Items that will not go into the court file but rather into a separate and confidential treatment court file are: assessment, diagnosis, medical conditions, mental health information, application, evaluative information on the participant, treatment information, team notes, and team case plan. This file will be kept by the case manager and not by the judge.

The case manager will collect and record all demographic information on participants; i.e. race, age, and gender.

CONFIDENTIALITY

The drug treatment court is subject to federal and state privacy laws covering medical, AODA and mental health records. The drug treatment court is subject to HIPAA and CFR 42 Part 2 and is required to maintain privacy and security protocols for the handling of protected health information.

TRAINING

The court recognizes the importance of ongoing training for the team. The case manager will maintain a database of training that individual team members have received. To the extent practicable every annual budget will contain an amount set aside for training. The goal is 40 hours of training a year.

DRUG TESTING

For a drug court to be successful it needs to be able to determine if participants are abstaining from use. It also must identify when participants are using so that the appropriate court interventions can be put into place. Hence drug testing plays a crucial role.

Best Practices

The Wood County Drug Court is dedicated to adopt the best practices possible, consistent with available resources. The Team understands that use of evidence based practices will likely increase positive outcomes for participants. Some of the practices that the Court adopts are as follows:

Drug Testing – Drug testing will be random, frequent and testing outcomes will be determined quickly.

Services – Participants are almost always in need of multiple services. The case manager and other team members will assist in obtaining additional support services for participants.

Team Participation – To the extent possible, team members should attend staffing on a regular basis. Furthermore, the team will operate in a collaborative manner where each member's opinion is valued and considered.

Team Education – Team members will attend training as practical. New members will attend training as soon as is possible.

Data – Data on participants will be maintained by the case manager. Data should be maintained in an electronic format and should be reviewed periodically to determine the extent of positive outcomes.

Judge's Role – An integral part of drug court is the role of the judge. The Judge will address each participant on an individual basis at each court session and will spend 2 to 3 minutes per participant whenever possible

Policies and Procedures – Policies and procedures have been established to guide team members in the discussion of participant issues as well as the imposition of rewards and sanctions. All team members will have access to policies and procedures.

Communication – The case manager will communicate on a regular basis with team members via e-mail and in weekly staffing.

Timely Admittance – The team will strive to work towards a process that encourages timely admittance of participants to Drug Court. While 60 days from the time of arrest is a goal, the team understands that each case is different and there will be times when that cannot be achieved.

Timely Imposition of Sanctions – When a sanction is necessary it will be imposed in a timely manner. There may be occasions when it is necessary to impose a sanction prior to a participant's appearance in court. This will be achieved via e-mail communication.

Graduation Requirements – Graduation requirements have been established that include a significant period of sobriety, stable living environment, and employment, education or community service requirements.

Case Management – Contact between participants and the case manager will be frequent.

Participant Contract – All participants will read and sign a comprehensive contract. Participants will understand the substance of the contract before entry. The contract will detail consequences of violating rules, as well as being terminated from Drug Court. The contract should provide some sense of predictability when it comes to sanctions and rule violations.

Treatment Plan – Each participant will have an individualized treatment plan. The plan will be based on a clinical assessment and modified based on ongoing evaluation of evidence of engagement and progress in drug court.

Drug Testing – Will be frequent and random. Testing will be as sophisticated as practical, so as to best assure compliance.

Defense Attorneys – Defense attorneys that are on the team will engage with the team in a collaborative manner. Generally, their role is not to represent participants as clients on a weekly basis. The defense attorneys on the team will, when appropriate, refer clients to drug court. As they make that referral they will be providing zealous and competent representation which should include investigation of the case, analysis of legal issues, and a full consultation with clients about the advantages and disadvantages of drug court. Team defense attorneys should also explicitly advise their clients that once the client enters drug court, the role of adversary counsel is generally over and that the attorney will be involved in the therapeutic goals of the team. However, Public Defenders on the team will not vote on sanctions or termination for any participant that entered the court via representation by any staff public defender.

Adversary Representation – Participants that receive notice of termination will also be advised of their right to counsel. If eligible, the Public Defender will appoint non-agency counsel for termination hearings.

Expulsion

MANDATORY EXPLUSION:

The following are grounds for mandatory expulsion of participants:

1. They have been charged with a crime that alleges during the course of the offense they carried, possessed or used a firearm or dangerous weapon;
2. They have been charged with a crime that alleges there occurred the death or serious bodily injury to any person;
3. They have been charged with a serious crime that alleges during the course of the offense there occurred the use of force against the person of another;
4. They have moved out of Wood County.
5. They refuse to sign or renew the required releases and waivers.
6. Their mental stability has become such that it is clear that they have become a danger to themselves or others, or their mental stability has resulted in disruptive or inappropriate behavior that makes it impossible for them to continue to progress thru the program, or they have become legally not competent (sec. 971.13).
7. They have made threats of violence to treatment staff, others associated with the program or to participants.
8. There is a charge or a conviction of a crime that makes the participant unavailable for a significant period of time.
9. A warrant has been issued due to the participant being unavailable for court proceedings and that absence has continued for a significant period of time.
10. The participant has refused or failed to sign or update necessary releases or waivers, resulting in the Team being unable to follow the participant's progress.

**The purpose of a team vote under this provision is not to decide if the participant should be expelled but to determine if the information the team has meets one or more of the criteria listed above.

DISCRETIONARY EXPULSION

Under this provision a participant will only face expulsion if it has been determined by the Drug Court team, by majority vote (with the Judge not participating in the vote) that all options for the participant have been explored and over a significant period of time progress had not been made.

The following are grounds for discretionary expulsion:

1. The participant has been charged with a crime and such crime does not meet the requirements for mandatory expulsion.
2. The participant has been convicted of a crime and such crime does not meet the requirements for mandatory expulsion for actions that occurred while the person was a participant in drug court.

3. The participant has not responded to sanctions and rewards and a substantial period of time has lapsed without significant progress or the participant has substantially regressed in the program.
4. The participant has reached the two year mark in Drug Court without positive strides, termination may be considered.
5. The participant has failed to appear for Drug Court and has continued to be absent from program participant.

SELF-TERMINATION

Termination initiated by a participant is discouraged. However, if a person is adamant that they wish to self-terminate their participation, they should be allowed to do so. A due process hearing will not occur upon a self-termination. The participant will either be advised in Court that their self-termination is accepted or they will receive a letter from the case manager advising them that their request has been accepted by the Court and termination ordered.

PHILOSOPHY AS TO EXPULSION

It is the policy of the Wood County Adult Treatment Court to attempt to maintain participants in the program whenever possible. The Court and the Team recognize that it cannot have any effect on the person unless they are in the program. It also acknowledges that relapse sometimes occurs, and relapse by itself should not be cause for expulsion unless such relapses continue to a point that is apparent that the participant is not working to maintain sobriety.

DUE PROCESS AS TO EXPULSION:

Any participant facing expulsion from Drug Court has certain due process rights. It is the intent of the Drug Court to allow a participant a meaningful opportunity to address the Court as to the issue of expulsion. The Court, however, when making decisions about expulsion will be constrained by the mandatory expulsion criteria, that exists in part due to grant funding requirements.

Due process rights are as follows:

1. The right to be notified that the Drug Court Team has determined that expulsion is appropriate.
2. The right to be notified of the grounds for expulsion.
3. The right to have a judicial hearing to determine if expulsion from the program should occur.
4. The right to have an attorney represent the participant at an expulsion hearing. If the participant qualifies the Public Defender upon request will appoint a private bar counsel. Otherwise the participant may hire an attorney.
5. At such hearing the burden is on the party requesting expulsion to present information that the participant should be expelled from the program. The burden is the preponderance of evidence. Rules of evidence do not apply. Hearsay is permitted although the Court will consider the reliability of any information

provided. The participant may call witnesses or present an argument against expulsion. Cross-examination is also permitted. The hearing will be in open court.

EXPULSION PROCESS:

The process for expulsion is as follows:

(1) Any member of the Team can initiate a discussion about expulsion of a participant. There should be some new information as to why expulsion is necessary.

(2) If the Team finds the circumstances sufficient to warrant expulsion the participant should be advised of the following:

- a. The grounds for expulsion.
- b. The right to a hearing and the right to have counsel.
- c. The process by which to request a hearing.

(3) If the Team decides expulsion is appropriate and notifies the participant of such, and then no request is made for a hearing within 14 days of notice (in court or by letter to last known address), the participant is deemed expelled. The participant may also simply advise the Court or the Case Manager that they are not contesting the termination. Once the participant has waived the right to a hearing the Court will notify the District Attorney so that normal court processing can take place. Once a waiver is provided the participant should not appear in Drug Court, take a drug test, or in any other way continue with the requirements of the Drug Court program.

(4) If the participant requests a hearing the Court will schedule one separate from normal Drug Court proceedings. The hearing will be similar to a probation revocation hearing or other administrative proceeding. Information will be presented by the Drug Court team case manager. The hearing will be as informal as possible. A court reporter will be present. If witnesses are called they will be sworn, however, testimony is not necessary. The Judge will determine if mandatory grounds exist by a preponderance of the evidence and if so will expel the participant. If the Judge determines that discretionary grounds for expulsion exist by a preponderance of the evidence, the Judge will then decide if expulsion is appropriate. Participants will be advised of the findings and conclusion and the clerk's minutes will serve as notice of the disposition.

(5) If a participant has not waived the expulsion hearing they are expected to continue to follow the rules and policies of the Court including calling in daily and the submission to drug testing. They are also expected to attend Court except when their behavior continues to exhibit a pattern of rule violations and their behavior is contrary to the functioning of the program. The Court may advise the participant to refrain from Court appearances until the termination hearing is held. All other expectations of the program should be adhered to.

Expulsion Letter (example)

Participants facing expulsion should receive the following letter from the case manager. The grounds should be modified to fit the circumstances. The rights should remain consistent.

Date:

Dear Drug Court Participant:

The Drug Court Team has determined that there exist grounds for expulsion from the Drug Court program. The grounds alleged that warrant expulsion is as follows:

Grounds for expulsion:

1. You have failed drug tests on _____ and _____.
2. You have consistently missed treatment sessions including meetings on _____ and _____.
3. You have not responded in a positive manner to the program and have failed to make significant progress.

Rights:

You should be aware that:

- a. You have the right to a judicial hearing.
- b. You have the right to have an attorney represent you at the hearing, at your own expense, or if you qualify the State Public Defender will appoint counsel. If you want a public defender you should apply immediately.
- c. If you wish a hearing you must notify the Drug Court Case Manager within 14 days of the date of this notification that you are requesting a hearing. You will then receive notice of the date of the hearing. Failure to request a hearing will result in expulsion from the program without further proceedings.
- d. The hearing is informal. You may, however, present witnesses and cross-examine any witnesses that are presented in support of expulsion.
- e. While the burden is on the party requesting expulsion from Drug Court, the burden is by a preponderance of the evidence.

HOME VISITS AND POLICE CONTACT POLICY

Purpose

The Wood County Adult Treatment Court Program is a court that is specifically designated and staffed to handle cases involving drug offenders (participants) through an intensive, judicially monitored program of drug treatment, rehabilitation services, and strict community supervision. Drug Court welcomes and encourages assistance from law enforcement and corrections in monitoring participant behavior should you come into contact with any participant.

Consent to Search Waiver

All drug court participants have signed a contract which includes consent to search waiver permitting random home visits by law enforcement/ K-9 or probation agents including the search of their person, vehicle, and residence for illegal drugs, weapons, and other contraband (includes electronic devices and social media). The agent/law enforcement officer is prohibited from forcibly entering the drug court participant's residence for a home visit or forcing a search of their person or home. Refusal to allow entry or failure to cooperate with home visits and searches will be considered a violation which should then be reported to the drug court liaison officer, drug court manager, or probation/parole agent.

Home Visits

A home visit is generally an unscheduled visit by an agent from the WI Department of Corrections – Division of Community Corrections (DOC) or a law enforcement officer/ K-9 to a drug court participant's reported residence. Entry into the residence should be made unless access is refused or if it does not appear that anyone is at home. Please use good judgment as to time of day and other circumstances. For instance, if it is late at night and no lights or activity is seen it would be inappropriate to initiate contact, but if lights are on AND other factors indicate unusual activity, don't hesitate to make contact.

If a drug court participant refuses a probation agent or a law enforcement officer/ K-9 entry into the residence, the drug court participant is to be informed that such refusal is a violation of the drug court program.

During a home visit if there are persons present, please don't hesitate to identify those persons. Participants are prohibited from associating with known drug dealers or users, and in some instances have been prohibited from contact with specific persons.

After a home visit please e-mail the drug court coordinator so that positives visits can be tracked and problematic visits dealt with.

Forced Entry/Force Sobriety Testing

Forced entry to the participant's home is NOT permitted unless otherwise authorized by law such in a search warrant or exigent circumstances. Entry refusal shall be reported to your agency drug court liaison officer, drug court manager, or if the participant is on supervision with DOC to the participant's probation/parole agent. Most participants, but not all, will be on probation.

Coerced or forced field sobriety testing such as PBT by a law enforcement officer is NOT permitted. Refusal to comply with requests shall be reported to your agency drug court liaison officer, drug court manager, or probation/parole agent.

Rules

All drug court participants must notify any law enforcement officer during contact that they are a drug court participant. Furthermore, all probation, parole, and extended supervision offenders whether they are a drug court participant or not MUST disclose their status during ANY law enforcement contact.

Participants may not possess any weapons while in Drug Court ***without explicit permission of the Court***. If a weapon is located please respond according to law, DOC direction or department policy; if possession is not a law violation please forward information.

Standard rules include 100% sobriety—no drugs—no alcohol—no intoxicants or using behavior of any kind (K2, bath salts, huffing, etc.) and NO BARS. The participant's person and residence is subject to a police/ K-9 search for contraband without cause and a signed waiver is part of their drug court contract. This includes a request to submit to a preliminary breath test (PBT). As part of this waiver, Drug Court regularly conducts observed UA's but it is common that participants attempt to avoid detection and alcohol use can be problematic because the alcohol dissipates very quickly—hence the need for field PBTs. However forced searches and coerced PBTs are NOT permitted. If a participant refuses to comply with a search or PBT please email the name and circumstances to your drug court liaison officer—the Drug Court Judge will likely sanction them for refusals to comply with your requests.

PLEASE, don't not abuse the search waiver. Should you come into contact with a participant under circumstances that are suspicious, a general rule of thumb is to remind the participant they are subject to search as a drug court participant and ask permission. Do not force the issue should they refuse unless you have other probable cause.

It is not the intent of the drug court consent to search waiver to overuse the search authority. It is a useful tool when non-compliant behavior is detected.

Enforcement Options

Please seize, document, and inventory any contraband according to your department policy. Alcohol may be documented and destroyed on scene if consistent with your department policy. In most cases unless otherwise dictated by law, a law enforcement officer may exercise discretion depending on circumstances whether or not to make a physical arrest for criminal or ordinance violations and/or contact the Department of Corrections for a probation/parole hold. At a minimum, please report all criminal and local ordinance law violations as well as drug court rule violations to your drug court liaison officer, drug court manager, or probation/parole agent.

Please bear in mind that most participants are on probation and a call to the after-hours DOC will most likely result in a hold IF they are drinking alcohol for instance. Use your judgment—self reporting to probation agent or drug court in the morning is usually a viable option for minor offenses.

Participant Identification

To assist in staying current with drug court participants your law enforcement liaison maintains a current list of participants which includes a photographs, addresses, and telephone numbers to aid in their identification and supervision.

Drug Court Liaisons

Jessica Pech, WI Department of Corrections

Jen Spath, WI Department of Corrections

Jennifer.Spath@wisconsin.gov

Kevin Tremelling, WI Department of Corrections

Kevin.Tremelling@wisconsin.gov

Ryan McMillen, Drug Court Case Manager

rmcmillen@co.wood.wi.us

Investigator Andy Pleet, Wood County Sheriff Department

Detective Cody Wetterau, Wisconsin Rapids Police Department

Iverson, Derek, Marshfield Police Department

Derek.Iverson@ci.marshfield.wi.us

Cost of Treatment

The participant may be required to pay for some or all of the cost of their treatment. Some participants will have insurance so that their financial responsibility will be reduced by insurance payments. The participant will make fee agreements with Human Services or other treatment providers. The participant will complete a financial declaration if necessary.

Drug Court Fees

The participant will also be charged a Drug Court fee and that will be expected to make monthly payments towards that fee or required to agree to a wage assignment. Wage assignments should be the norm and the case manager should make those arrangements as soon as practical.

The fee for two years is \$750.00. If the participant graduates within two years there is no rebate or return. If a participant is terminated there is no rebate or refund. For any participant that has not graduated in two years a monthly fee of \$50 per month will be assessed.

When fee collection commences is up to the Drug Court Team and will depend on the participant's financial circumstances. A participant may be allowed to reduce the original fee by \$250 by performing community service or other forms of work that is of benefit to our community. After 2 years there is not generally an ability to reduce the fee requirement with community service. A full monthly payment will be assessed for the final month regardless the date of graduation. The use of a wage assignment may be required.

Drug Court Observation

Observers who wish to observe the Drug Court staffing meeting must sign a confidentiality agreement. Drug Court is open court and a confidentiality agreement is not necessary. The below form will be used for visits:

WOOD COUNTY ADULT DRUG TREATMENT COURT

OBSERVER'S AGREEMENT TO KEEP CONFIDENTIAL DRUG COURT PROGRAM INFORMATION

AGREEMENT

The Wood County Drug Court Team welcomes other Courts, agencies, and persons with a genuine interest and need in seeing our Court in operation. Participants in our program are involved in treatment. At staffing, most of the

information that is exchanged is confidential by law and includes private healthcare information. While we welcome observation of the staffing and also the open court sessions, any observer must sign an agreement whereby they promise confidentiality and agree to not disclose any information about any participant.

I understand that any disclosure of confidential medical information is bound by Part 2 of Title 42, of the Code of Federal Regulations, and HIPAA, both of which govern the confidentiality of alcohol and drug abuse patient records and which require that the recipients of this information may re-disclose only in connection of their official duties. The undersigned Observers of the Wood County Adult Treatment Drug Court Team staffing sessions and Drug Court hereby acknowledge that they will keep confidential all information obtained through the observation of the Wood County Adult Treatment Drug Court Team staffing session as well as observation of open court.

Print Name: _____

Sign Name: _____

Organization: _____

Date: _____

Drug Testing Protocol

Drugs can be detected by testing a variety of samples. The most common are urine, blood, hair, sweat and saliva. Although the court could rely on testing any of these samples, the testing of urine will be the primary process to determine if the person is consuming alcohol or drugs because it is both economical and reliable.

The person assigned to perform drug testing will be appropriately trained and certified.

Drug testing will occur in the following manner:

- (1) Each participant will be assigned unique number;
- (2) A participant will call in daily (the number of times a day is determined by the case manager) to determine if the participant UAs;
- (3) The participant will respond to the testing site at the appropriate time;
- (4) The case manager or their designee prior to a sample being given, will have a new cup and chain of custody form;
- (5) The applicant must provide a signature, date and time in a log. Identify must be verified in some manner;
- (6) The case manager will provide to the participant the cup that has been prepared with chain of custody that identifies who is being tested and the case manager will have gloves on;
- (7) Once provided the testing cup the participant will enter the restroom area without anything in their possession;

- (8) If the participant is the same sex as the case manager, the collection will be observed by the case manager;
- (9) If the case manager and the participant is not the same sex, another professional person such as an employee of Human Services or an employee of another county agency may witness the collection;
- (10) If a same sex person is not available the case manager will have the participant turn out their pockets and take other appropriate measure to try to assure the credibility of the testing process;
- (11) Once the cup is returned to the case manager the temperature will be taken of the sample to assure a valid collection. The container will be sealed. It will also be checked for tampering.
- (12) The cup will be placed in the refrigerator unless it will be immediately tested;
- (13) Testing under most circumstances will occur within two days of the collection;
- (14) If a test sample is given at a site other than in Wisconsin Rapids, the location of the drug testing machine, the following will occur:
 - a. Chain of custody of the specimen is established
 - b. Chain of custody of the specimen is documented. Such documentation shall include the time the participant checked in, who performed the collection, the time the collection was performed, and when the specimen was mailed or delivered to the testing site.

The following guidelines are established for drug testing.

1. Frequency of testing is determined by the phase the person is in, their level of supervision, and how well they are doing in the program.
2. Testing will be on a random basis.
3. Generally, testing will be frequent.
4. The method used to test will be appropriate and accurate.
5. Testing should be increased when a participant is suspected of use.
6. Testing is usually for a series of drugs and alcohol determined by the team. However, if a participant is suspected of use and no positives are indicated through frequent and random testing, the drugs being tested for should be expanded. If expanded testing is necessary and if positive results are determined, the participant may be billed for the cost of the expanded testing.

In addition the collector of the sample will assure that there is nothing in the rest room prior to the collection. The collector will assure that if the collector is not in the room where the specimen is housed, the room will be locked. It should be noted that the current location for testing is in the interior of a building that is secure; persons entering into this general area must be granted access via the receptionist. Doors from the lobby are locked and monitored.

Maintaining Specimens for Retesting

Samples should be kept long enough to reconcile any legal challenges to the test results. Specimens should be stored at temperatures between 2 and 8 degrees Celsius.

Samples will be retained for a minimum of 45 days.

See the below table for drug retention times in urine (retention in blood samples will differ). This information may prove helpful in discussions of participants testing positive in the early phase of the program.

STIMULANTS

Amphetamine/ in urine: 1–2 days

HALLUCINOGENS

Marijuana Light smoker (1–2 joints/week): 2–3 days

Moderate smoker (4 times/week): 5–7 days

Heavy smoker (daily): 10–15 days

Chronic use (more than 5 joints/day) 14–30 days

LSD 2–5 days

Phencyclidine (PCP) 14 days

Chronic users: up to 30 days

NARCOTICS/ANALGESICS/OPIATES

Opiates (including heroin, 3 days May be longer for chronic users

Methadone 3 days

Propoxyphene 6 hours to 2 days

DEPRESSANTS/SEDATIVES/HYPNOTICS

Barbiturate In urine: 2–4 days and up to 30 days

Benzodiazepine In urine: up to 30 days

Chronic users (1 or more years): 4–6 weeks

Methaqualone 14 days

Ethyl Alcohol In urine: 1–24 hours

Detection Window for Cannabinoids

A difficult issue for the Court to deal with is positive test results for Cannabinoids after a person has just entered Drug Court and trying to decide if the test is for prior use before entry into the program or use after entry. Literature indicates that it would be uncommon for the occasional marijuana smoker to test positive for longer than 7 days after ceasing use. Chronic smokers would not be expected to test positive after 21 days (even if using the 20 n/mL cutoff). However, even the best science can only provide estimates and the urine elimination for marijuana is complex. The best that can be said is that it

would be unlikely for a participant to remain cannabinoid positive after 30 days without continued use. Therefore, absent additional information, the Drug Court team should not treat a positive test for cannabinoids as use within 21 days, and should be cautious about a positive within 30 days. Any positive test after 30 days of entry into Drug Court should likely be treated as use.

Reporting and Investigation of Harassment or Improper Bias by Participants

If any Drug Court team member becomes aware of a participant complaint of improper bias or harassment allegedly perpetrated by a team member, the information should be immediately forwarded to the Judge. The Judge will then assign two persons from the team to interview the participant. Prior to the interview taking place the two team members should determine if the participant is comfortable talking to them, or if the participant would prefer talking to another two member team. When the interview is complete a written memo should be forwarded to the Judge for his action. The Judge's response could include one of the following:

1. A finding of no merit to the complaint;
2. A finding of merit with follow-through by contacting the team member's employer for further action;
3. A change in policy and procedures to alleviate any concern or issue;
4. Any other action the Judge deems necessary;

Women in Drug Court

The Drug Court recognizes that women entering into a drug court program will often have complex and multiple problems. Therefore, the Drug Court team adopts the following principles as it relates to women in drug court: (1) Be aware the women often have untreated health problems and appropriate referrals may need to be made; (2) Coordinate closely with Human Services for women that have children; (3) Assess for educational needs and employment needs; (4) Screen for past trauma; (5) Recognize that this population has a significant rate of co-occurring disorders therefore it is necessary to screen and integrate treatment as appropriate.

DRUG COURT CASE MANAGER

The Drug Court case manager is the person primarily responsible for coordinating appropriate services for the clients, keeping up-to-date information on each client, and briefing the treatment team on the progress of each participant and any issues in the team staffing.

The case manager will be responsible for the following:

- Assessment – provide screening and determine risk levels
- Planning
- Linking to resources

- Monitoring - Collect data on all aspects of participant activity and report results to drug court team as required.
- Advocacy
- Education
- Provide orientation to new clients.
- Coordinate all participant activity from time of assessment/screening to termination/graduation within the Wood County Adult Drug Treatment Court.
- Conduct regular meetings with participants to discuss progress within the program.
- Gather information from other agencies in regard to client participation.
- Coordinate and collect all drug and alcohol testing samples and report drug testing to the Team.
- Create weekly reports to present to drug court team at weekly staff meetings with other drug court team members.
- Take all weekly information and maintain databases on each client for statistical program evaluation.
- Monitor Drug Court fees
- Create and maintain participant case files
- Collecting demographic data on participants
-

Providing Drug Court Services

The Drug Court will attempt to provide services in the following manner:

- Welcoming
- Participant centered
- Hopeful
- Evidence based
- Strength based
- Designed to help participants achieve their goals
- Designed and delivered with a common goal
- Keeping in mind the 10 key components which consist of;

Key Component #1: Drug courts integrate alcohol and other drug treatment services with justice system case processing

Key Component #2: Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.

Key Component #3: Eligible participants are identified early and promptly placed in the drug court program.

Key Component #4: Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.

Key Component #5: Abstinence is monitored by frequent alcohol and other drug testing

Key Component #6: A coordinated strategy governs drug court responses to participants' compliance.

Key Component #7: Ongoing judicial interaction with each drug court participant is essential.

Key Component #8: Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

Key Component #9: Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.

Key Component #10: Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

EMP

The electronic monitor may be used to provide structure and accountability to participants. Participants will be responsible for the cost of the program although under some circumstances Drug Court might pay the fees or a portion thereof. The Judge, when ordering the monitor will find a participant in contempt for a rule violation, and withhold a sanction. Violations while on EMP will be reported to the case manager. Under the following circumstances the Sheriff Department EMP facilitator should place a participant in custody: (1) Tampering with the device; (2) Removal of the device; (3) A positive result in the sobriety.

RELEASES OF INFORMATION

It is necessary that the Drug Court team is able to be fully advised of the status of each applicant as it relates to their interactions with various agencies and the progress they are making in treatment, counseling, and in working on life issues. The following release or an equivalent should be provided to each participant by the case manager upon their entry into Drug Court. Effective releases for entities such as but not limited to medical providers, employers, schools, Department of Corrections, and or Wood County Human Services as and when requested by Drug Court

WOOD COUNTY ADULT TREATMENT DRUG COURT CONSENT AND AUTHORIZATION FORM FOR THE DISCLOSURE AND REDISCLOSURE OF CONFIDENTIAL INFORMATION

I, _____, hereby consent and authorize the release and communication of information, from Human Services, or any other agency in which I am or have been involved with, to each and every member of the Wood County Drug Court Team, including but not limited to, Judge Todd Wolf.

I realize that this information is necessary so that all members of the team can follow my treatment progress. I fully understand that there will be an interchange of information between my substance abuse treatment providers and the Drug Court

Team. This information will consist of, but not be limited to, attendance for evaluation, treatment attendance, eligibility, prognosis, compliance, progress, drug testing results, cooperation, and my general attitude and commitment to the treatment process. I authorize that the release of information may be in both oral and written form.

I specifically give consent for the disclosure of confidential treatment information to be disclosed by the Judge in open court. I understand that anyone in court will be privy to what otherwise would be completely confidential information. ***I also give consent for other Courts, agencies or organizations, to observe Drug Court and Drug Court staffing, to educate and promote the court.***

This consent and authorization will remain in effect for one year from the date of my signature, although I realize that I will be required to renew the authorization at the end of that time so that consent and authorization remains in effect until:

- 1. I have graduated from the Wood County Adult Treatment Drug Court Program.***
- 2. I have been terminated from the Wood County Adult Treatment Drug Court Program.***
- 3. I have revoked consent in writing, except to the extent that action has been taken in reliance on it. I understand that if I have been placed on probation as a part of the program and that as a condition of probation I have been ordered to participate in treatment, and then I may not revoke my consent (42CFR sec. 2.35).***
- 4. I was not accepted into the program after evaluation and assessment.***

I understand that any disclosure of confidential medical information is bound by Part 2 of Title 42, of the Code of Federal Regulations, and HIPPA, both of which govern the confidentiality of alcohol and drug abuse patient records and which require that the recipients of this information may re-disclose only in connection of their official duties.

Print name: _____

Signature: _____
_____ Exp: _____

Dated: _____

Human Service Authorization

There exists a substantial need for the Drug Court team to be aware of the participant’s involvement in Human Services, if there is one. The team will need to understand what services are being accessed, what are available and not being accessed, and the level of cooperation of the participant with Human Services. Therefore, upon entry into Drug Court, the case manager will have the following authorization, or its substantial equivalent, signed.

Wood County Human Services

Authorization for Use or Disclosure of Protected Health Information

Name of Client:_____

DOB:_____

I hereby authorize the use and disclosure of my health information as indicated below. I understand that this release is voluntary and that I may revoke this authorization at any time except to the extent that action has been taken in reliance on this authorization.

I hereby authorize Wood County Department of Social Services ____ to disclose/ ____ receive the information checked and/or listed below:

- Discharge Summary Progress Notes
- History & Physical Examination Emergency Care Records
- OT, PT, ST Evaluations Consultant Reports
- Neuropsychological Reports Psychological Reports
- Psychiatric evaluations/Notes Court Reports
- Completion of attached Medicaid Waiver Health Drug and/or alcohol assessment/treatment

Report (DSL-810)

[_____]
Other:_____

[_____]
Other: _____

_____ [_____]
Other: _____

The information checked and/or listed above is to be released to/by: _____

For the purpose(s) of _____

I authorize Wood County Human Services to release information from my case record necessary for program monitoring and evaluation to the Program review team in the Wisconsin Department of Health and Family Services. I understand that the sharing of this information to the Department will in no way affect my eligibility for services or be used to identify me personally.

Unless otherwise revoked by me, I understand that this authorization will expire on _____ or upon the completion of the use of the information for the purpose it was intended, whichever is earlier.

I understand that I may inspect and copy any information used or disclosed under this authorization. I understand that a fee may be charged for such copying services.

I hereby release the agency,

Signature of Representative its employees, officers, and healthcare professionals from any legal responsibility or liability for disclosure of the above information to the extent indicated and authorized herein.

I understand that I may revoke this request at any time by providing the agency with my written notice of such revocation.

Date: _____ Signature _____ of

Client: _____

Printed Name of Client: _____

Date: _____: _____

Printed _____ Name _____ of

Representative: _____

Relationship to Client: _____

Date: _____

Signature _____ of
Witness: _____

Printed _____ Name _____ of
Witness: _____

Original to the person making the request, yellow copy filed in the case record, pink copy to the client

Rev last Oct 2019